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**JUL 31 2007****FACSIMILE COVER SHEET**

DATE: July 31, 2007

TO: Examiner Leah H. Schlientz  
TC Art Unit: 1618

Fax No.: (571) 273 8300

FROM: Charles L. Gagnebin III

No. of pages transmitted  
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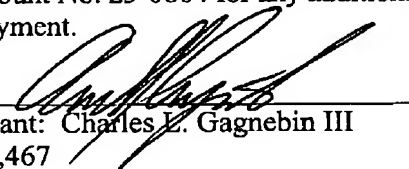
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Sent by: Marilyn

Application No. 10/762,964  
Filed Date: January 22, 2004  
Confirmation No.: 6339A confirmation copy of this transmission will not be mailed unless the following is checked: ☐  
MESSAGEPLEASE DELIVER DIRECTLY TO:  
EXAMINER LEAH H. SCHLIENTZ, Tel. (571) 272-9928  
TC ART UNIT NO: 1618**FOR ENTRY**

Enclosed for filing please find an Amendment.

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional filing fees associated with this communication or credit any overpayment.

  
Attorney for Applicant: Charles L. Gagnebin III  
Registration No. 25,467

CLG/mrb/354993.1

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Application No.: 10/762,964  
 Filed: January 22, 2004  
 TC Art Unit: 1618  
 Confirmation No.: 6339

Rev 9/06

**WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP**  
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Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Date: July 31, 2007

Attorney

Docket No.: SW-045AX

Sir:

In re application of: Kevin Tait

Entitled: STOOL MARKER

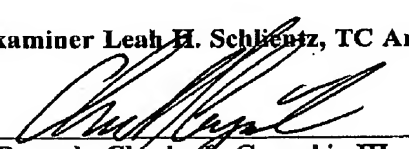
Transmitted herewith is an **amendment** in the above-identified application. The following checked items are applicable:

- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ \_\_\_\_\_) per §1.17(e).  
☐ Enter the unentered amendment previously filed on \_\_\_\_\_ per §1.116.
- ☒ Small Entity Status is asserted.
- ☐ A Petition for Extension of Time for \_\_\_\_ month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$ \_\_\_\_\_) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☐ Other:

CLAIMS AFTER AMENDMENT:	MINUS PRIOR PAID CLAIMS:	EQUALS PRESENT EXTRA CLAIMS:	RATE:	ADDITIONAL FEE:
Independent	1 - 3	=	x \$200.00 =	0
Total	18 - 20	=	x \$ 50.00 =	0
<input type="checkbox"/> Multiple Dependent Claims (1st presentation)			+ \$360.00 =	0
SUBTOTAL ADDITIONAL FEE				0
Small Entity filing, divide by 2. Small Entity status must be asserted.				0
TOTAL ADDITIONAL FEE				0

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$ \_\_\_\_\_) for the cost of same.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Leah H. Schlientz, TC Art Unit 1618, Fax No. (571) 273 8300, on 7-31-7.

  
 Attorney of Record: Charles L. Gagnebin III  
 Registration No.: 25,467

CLG/mrb/354996.1

**RESPONSE UNDER 37 CFR 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP** 1618

Rev 04/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Kevin Tait  
Application No. : 10/762,964  
Filed : January 22, 2004  
Confirmation No. : 6339  
For : STOOL MARKER  
Examiner : Leah H. Schlientz  
Attorney's Docket : SW-045AX

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TC Art Unit: 1618

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(571) 273 8300, on 7-31-7.

By: 

Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant

\*\*\*\*\*

AMENDMENT PURSUANT TO 37 C.F.R. §1.116

Via Facsimile  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated May 2, 2007,  
please amend the above identified patent application as  
follows.

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LESOVICI LLP  
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